

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER O'ROURKE,)
Plaintiff,) CASE NO. C18-0410RSM
v.) ORDER DIRECTING PLAINTIFF TO
SHARE AND CARE HOUSE,) AMEND COMPLAINT
Defendant.)

)

Pro Se Plaintiff Christopher O'Rourke filed his Complaint on March 23, 2018. Dkt. #5. Summons have not yet been issued. Plaintiff alleges that his representative payee, Defendant Share and Care House, misused benefits paid on his behalf, specifically to pay illegal rent increases. *Id.* Plaintiff also alleges that Defendant failed to seek reimbursement of a rent payment that was erroneously paid on his behalf. *Id.* Plaintiff claims that as a result, his credit score has dropped, he has been unable to transition into stable housing, he has suffered unnecessary debt, and he has been saddled with accruing interest on that debt. *Id.*

As federal courts are courts of limited jurisdiction, a plaintiff bears the burden of establishing that his case is properly filed in federal court. *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377, 114 S. Ct. 1673, 1675, 128 L. Ed. 2d 391 (1994); *In re Ford Motor Co./Citibank (South Dakota), N.A.*, 264 F.3d 952, 957 (9th Cir. 2001). This burden, at the pleading stage, must be met by pleading sufficient allegations to show a proper basis for the

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1 federal court to assert subject matter jurisdiction over the action. *McNutt v. General Motors*
2 *Acceptance Corp.*, 298 U.S. 178, 189, 56 S. Ct. 780, 785, 80 L. Ed. 1135 (1936). Further, the
3 Court will dismiss a Complaint at any time if the action fails to state a claim, raises frivolous or
4 malicious claims, or seeks monetary relief from a defendant who is immune from such relief.
5 See 28 U.S.C. § 1915(e)(2)(B).

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7 In this case, Mr. O'Rourke fails to demonstrate that he has made an appeal to the Social
8 Security Administration (“SSA”) for the alleged representative payee actions. Such actions are
9 subject to initial SSA review, not judicial review. As a result, Plaintiff must demonstrate that he
10 has first complied with the required administrative procedures in order for jurisdiction to lie with
11 this Court.

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13 Accordingly, the Court hereby ORDERS that Plaintiff shall file an Amended Complaint
14 **no later than twenty-one (21) days from the date of this Order.** In the Amended Complaint,
15 Plaintiff must include a short and plain statement demonstrating to the Court that he has satisfied
16 his administrative requirements and that he is seeking to appeal a decision by SSA.

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18 The Clerk shall send a copy of this Order to Mr. O'Rourke at P.O. Box 12052
19 Seattle, WA 98102.

20 DATED this 26 day of March, 2018.

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23 
24 RICARDO S. MARTINEZ
25 CHIEF UNITED STATES DISTRICT JUDGE
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